

PROPOSED

HOUSE OF REPRESENTATIVES AMENDMENTS TO S.B. 1192

(Reference to Senate engrossed bill)

1 Strike everything after the enacting clause and insert:

2 "Section 1. Section 10-122, Arizona Revised Statutes, is amended to  
3 read:

4           10-122. Filing, service and copying fees; expedited report  
5                         filings and access; same day and next day services;  
6                         posted wait times; advance monies; definition

7           A. The commission shall collect and deposit, pursuant to sections  
8 35-146 and 35-147, the following nonrefundable fees when the documents  
9 described in this subsection are delivered to the commission:

<u>Document</u>	<u>Fee</u>
1. Articles of incorporation	\$50
2. Application for use of indistinguishable name	10
3. Application for reserved name	10
4. Notice of transfer of reserved name	10
5. Application for registered name	10
6. Application for renewal of registered name	10
7. Agent's statement of resignation	10
8. Amendment of articles of incorporation	25
9. Restatement of articles of incorporation with amendment of articles	25
10. Articles of merger or share exchange	100
11. Articles of dissolution	25
12. Articles of domestication	100
13. Articles of revocation of dissolution	25
14. Application for reinstatement following administrative dissolution, in addition to other fees and penalties due	100
15. Application for authority	150

1	16. Application for withdrawal	25
2	17. Annual report	45
3	18. Articles of correction	25
4	19. Application for certificate of good standing	10
5	20. Any other document required or permitted to be filed by chapters 1 through 17 of this title	25

8           B. The commission shall collect a nonrefundable fee of twenty-five  
9        dollars each time process is served on it under chapters 1 through 17 of this  
10       title. The party to a proceeding causing service of process is entitled to  
11       recover this fee as costs if the party prevails in the proceeding.

12          C. The commission shall charge and collect a reasonable fee for  
13        copying documents on request, provided the fee does not exceed the cost of  
14        providing the service as determined by the commission. The commission shall  
15        also charge a reasonable fee for certifying the copy of a filed document,  
16        provided the fee does not exceed the cost of providing the service as  
17        determined by the commission.

18          D. A penalty of one hundred dollars payable in addition to other fees  
19        accrues and is payable if a foreign corporation fails to file an amendment,  
20        restated articles that include an amendment, or articles of merger within  
21        sixty days of the time of filing in the jurisdiction in which the corporation  
22        is domiciled. The penalty collected pursuant to this subsection shall be  
23        deposited, pursuant to sections 35-146 and 35-147, in the state general fund.

24          E. One-third of the fees for the annual report of domestic and foreign  
25        corporations paid pursuant to subsection A, paragraph 17 of this section  
26        shall be deposited in the ~~Arizona arts trust~~ ABANDONED MINES SAFETY fund  
27        established by section ~~41-983.01~~ 27-131.

28          F. The commission shall provide for and establish an expedited service  
29        for the filing of all documents and services provided pursuant to this title  
30        as follows:

31           1. The expedited filing shall be a priority service to be completed as  
32        soon as possible after the documents are delivered to the commission.

1           2. In addition to any other fees required by this section or any other  
2 law, the commission shall charge a nonrefundable fee for expedited services,  
3 including those requested by fax. The fee shall be determined by a  
4 supermajority vote of the commissioners.

5           3. The commission may provide for and establish same day and next day  
6 services for the filing of any documents and services provided pursuant to  
7 this title as follows:

8           (a) The same day and next day services shall not be offered unless all  
9 expedited services filed pursuant to this title are processed within a  
10 maximum of five business days and all other documents and services filed  
11 pursuant to this title are processed within a maximum of thirty business  
12 days.

13           (b) The commission shall suspend same day or next day service if the  
14 commission determines that it does not have the necessary resources to  
15 perform the service within the established time period.

16           (c) In addition to any other fees required by this section or any  
17 other law, the commissioners may charge a nonrefundable fee for the same day  
18 or next day service or both. The fee shall be determined by a supermajority  
19 vote of the commissioners.

20           4. The commission shall publicly post the current wait times for  
21 processing regular, expedited and same day and next day services.

22           G. The commission may charge persons who access the commission's data  
23 processing system that is maintained pursuant to section 10-122.01 from  
24 remote locations and persons requesting special computer generated printouts,  
25 reports and tapes a reasonable fee that does not exceed the cost of the time,  
26 equipment and personnel necessary to provide this service or product as  
27 determined by the commission.

28           H. Except as provided in section 10-122.01, subsection B, paragraph 3,  
29 in addition to any fee charged pursuant to this section, the commission may  
30 charge and collect the following nonrefundable fees to help defray the cost  
31 of the improved data processing system that is maintained pursuant to section  
32 10-122.01:

1           1. Filing articles of incorporation of a domestic corporation, ten  
2            dollars.

3           2. Filing an application of a foreign corporation for authority to  
4            transact business in this state, twenty-five dollars.

5           I. All monies received pursuant to subsections F, G and H of this  
6            section shall be deposited, pursuant to sections 35-146 and 35-147, in the  
7            public access fund established by section 10-122.01.

8           J. Fees charged pursuant to this section are exempt from section  
9            39-121.03, subsection A, paragraph 3.

10          K. Any person may advance monies to the commission to pay fees  
11         required pursuant to this section for future filings and services. All  
12         monies received pursuant to this subsection shall be deposited, pursuant to  
13         sections 35-146 and 35-147, in the money on deposit account in the public  
14         access fund established by section 10-122.01.

15          L. For the purposes of this section, "supermajority" means an  
16         affirmative vote of at least four commissioners.

17          Sec. 2. Section 27-131, Arizona Revised Statutes, is amended to read:

18          27-131. Abandoned mines safety fund; annual report

19          A. Notwithstanding section 27-129, subsection D, the abandoned  
20         mines safety fund is established consisting of:

21          1. Gifts, grants and contributions specifically designated for the  
22         fund.

23          2. Monies that may be appropriated by the legislature to the fund to  
24         match the gifts, grants and contributions based on the preceding year's  
25         expenditure report required under subsection D of this section.

26          3. REVENUES DERIVED FROM FILING FEES COLLECTED PURSUANT TO SECTION  
27         10-122.

28          B. The state mine inspector shall administer the fund. Monies in the  
29         fund are exempt from lapsing pursuant to section 35-190.

30          C. Monies in the fund are continuously appropriated to the inspector  
31         to ensure public safety at abandoned mines on land owned by this state as  
32         provided by section 27-129. The inspector shall use monies in the fund to

1 pay contractors for actual abatement costs to fill, fence or plug shafts and  
2 adits and not to pay administrative salaries and other costs. The inspector  
3 shall consult with the state land commissioner to identify and prioritize the  
4 abandoned mine sites on state lands to be considered for abatement.

5 D. ~~Each year~~ The inspector shall submit an annual report to the joint  
6 legislative budget committee on or before December 1 concerning the  
7 expenditure of monies from the fund and contributions to the fund during the  
8 preceding fiscal year. The report shall itemize each expense paid from the  
9 fund and shall describe the actions taken to ensure public safety.

10 Sec. 3. Section 41-982, Arizona Revised Statutes, is amended to read:

11 **41-982. Powers and duties**

12 A. The commission may:

13 1. With the consent of a majority of the commission, employ such  
14 personnel as may be required within the limits of funds available in the arts  
15 fund. The compensation for such personnel shall be as determined pursuant to  
16 section 38-611.

17 2. Hold hearings.

18 3. Enter into contracts, within the limits of funds available, with  
19 local and regional associations, individuals, organizations and institutions  
20 for any services which further the broad objectives of the commission's  
21 program.

22 4. Accept gifts, contributions and bequests of unrestricted funds for  
23 deposit in the arts fund ~~or the arts trust fund~~ from individuals,  
24 foundations, corporations, and other organizations or institutions for the  
25 purpose of furthering the broad objectives of the commission's program.

26 5. Make agreements to carry out the purposes of this article.

27 6. Request cooperation from any state agency for the purposes of this  
28 article.

29 B. The commission shall:

30 1. Stimulate and encourage throughout the state the study and  
31 presentation of the performing arts, fine arts, and public interest and  
32 participation therein.

1           2. Make such surveys of public and private institutions engaged within  
2           the state in artistic and cultural activities, as may be deemed advisable,  
3           and make recommendations concerning appropriate methods to encourage  
4           participation in and appreciation of the arts to meet the legitimate needs  
5           and aspirations of persons in all parts of the state.

6           3. Take such steps as may be necessary and appropriate to encourage  
7           public interest in the cultural heritage of our state and to expand the  
8           state's cultural resources.

9           4. Encourage and assist freedom of artistic and scholarly expression  
10          essential for the well-being of the arts.

11          5. Formulate policies and adopt rules and regulations which are  
12          consistent with the purposes of this article.

13           Sec. 4. Repeal

14           Sections 41-983.01 and 41-983.02, Arizona Revised Statutes, are  
15          repealed.

16           Sec. 5. Section 41-984, Arizona Revised Statutes, is amended to read:

17           41-984. Annual report

18           The Arizona commission on the arts shall prepare and submit an annual  
19          report to the governor and the legislature including a detailed accounting of  
20          the expenditures and grants from the arts fund ~~and the Arizona arts trust~~  
21          ~~fund~~ no later than December 31 of each year."

22          Amend title to conform

RUSSELL K. PEARCE

1192-se2-pearce  
4/10/08  
3:03 PM  
H:jjb